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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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FILED
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CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No.
v.	COMPLAINT FOR VIOLATION OF:
Francisco DE LA CONCHA-Ocampo, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 13, 2008,** within the Southern District of California, defendant, **Francisco DE LA CONCHA-Ocampo,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **February 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Francisco DE LA CONCHA-Ocampo

PROBABLE CAUSE STATEMENT

On February 13, 2008 Border Patrol Agent D. Spear was performing his assigned patrol duties in the Imperial Beach Border Patrol Station area of responsibility. At approximately 6:25 A.M. Agent Spear observed eight individuals running north in an area known as the "10 Berm". This area is located approximately four miles west of the port of entry at San Ysidro, California and one mile north of the U.S./Mexico Border fence.

Agent Spear approached the individuals and identified himself as a Border Patrol Agent. Agent Spear then queried the individuals as to their immigration status. All eight, including one later identified as the defendant **Francisco DE LA CONCHA-Ocampo**, admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Spears placed all eight under arrest and transported them to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 22, 2004** through **Laredo, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.